

Contra Costa County
HAZARDOUS MATERIALS COMMISSION

Draft Minutes
May 27, 2021

Members and Alternates Present: Jonathan Bash, Marielle Boortz, Ken Carlson, Audrey Comeaux, Fred Glueck, Mark Hughes, Steve Linsley, Jim Payne, Gabe Quinto, George Smith, Ed Morales (alternate), Tim Bancroft (alternate), Madeline Kronenberg (alternate), Heather Youngs (alternate), Erika Hernandez (student intern), Kevin Hernandez (student intern)

Absent: Rick Alcaraz, Don Bristol, Mark Ross, Sara Gurdian (represented by alternate),

Staff: Michael Kent; Matt Kaufmann, Ellen Dempsey, Susan Psara, Cho Nai Cheung, Hazardous Materials Program

Members of the Public: Greg Bosworth, Zoe Siegel, Michael Smith, Sadie Wilson, Brian Habinger, Paul Adler

1. Call to Order: Commissioner Glueck called the meeting to order at 4:02 p.m.

Announcements and Introductions:

Michael Kent announced:

- The Commission annual meeting with Supervisor Gioia will be on June 16, 2021 at 2:00.
- The Department of Toxic Substances Control has released an updated informal framework for addressing community health and cumulative impacts in response to SB 673. The public comment period will go till the end of August.

2. Approval of the Minutes:

A motion was made by Commissioner Smith and seconded by Commissioner Hughes to approve the minutes for the April 22, 2021 meeting with corrections. The motion passed 8-0 with Commissioners Quinto and Carlson having left before the vote and Commissioners Youngs having arrived after the vote was taken.

3. Public Comments: None

4. Hazardous Materials Program Director Report

Matt Kaufmann, Hazardous Materials Programs Director, reported:

- Update on Five (5) Incidents of Interest:
 - Kinder Morgan Pipeline Release in Walnut Creek (November 2020) – Hazmat participated in a community air monitoring meeting with OSPR and USEPA to continue to improve joint responses. No significant incident-related updates to report.

- Chevron Refinery Oil Spill (February 9, 2021) - 536-757 gallons of diesel fuel and flush water mix was released in the SF Bay from a pipeline on the Chevron Long Wharf on February 9, 2021. At the direction of Supervisors Gioia and Glover at the Industrial Safety Ordinance Ad Hoc Committee, the County will hire a third-party incident investigator to review the incident investigation conducted by Chevron Richmond Refinery for this incident. Should any gaps or questions arise from this review of Chevron's investigation that cannot be resolved, the County can always conduct its own incident investigation. As a reminder, at the February 2021 HMC Meeting, the Commission voted unanimously to nominate Fred Glueck to the Oversight Committee (which will include 2 other community members, a City of Richmond Representative, Chevron Rep, Labor Rep, and CCHSHMP). The first meeting of the oversight committee is scheduled for Monday, June 7th.
- NuStar Tank Fire Investigation Status (October 15, 2019) - The Final Report on the NuStar Tank Fire was presented by Contra Costa County Fire Protection District (lead agency for this investigation) to the public at the Industrial Safety Ordinance Ad Hoc Committee meeting on Tuesday, May 25th. In brief summary, the investigation team found that:
 - The first explosion originated inside of tank #20107.
 - The second explosion was a result of damage from the roof of tank #20107 landing on tank #20109 and exposing tank #20109 to the fire at tank #20107.
 - The closed vent pressure relief valve in the vapor recovery line for tank #20107 had no pallet allowing the vapor recovery until to pull from the tank creating a greater air to ethanol vapor atmosphere in the headspace of the tank.
 - The head space within tank #20107 had a mixture of air and ethanol vapor.
 - An electrical fault from an unknown source occurred and manifested itself in the Varec tape (tank level monitoring system) as a result of improperly grounded equipment.

Supervisors Gioia and Glover have directed Hazardous Materials Programs staff to propose suggested policy changes to prevent a similar incident in the future in our jurisdiction. It should be noted that NuStar is now applying an inert gas blanket to the headspace of all tanks.

Commissioner Smith said there was a lot of frustration with the length of time it took to complete the investigation. He wanted to know why it took so long. Mr. Kaufmann said that the Fire Chief mentioned during his presentation that the COVID pandemic was a major factor in the length of time it took to complete the investigation. Mr. Kaufmann also noted that the Ad Hoc Committee members had similar concerns.

- Suspected Hazardous Materials Release in Richmond (March 31, 2021) - They are continuing to work with the California Department of Fish and Wildlife –

Office of Spill Prevention and Response and the United States Coast Guard to investigate the release of a red dye additive in Parr Canal – Richmond. The release was first found of March 31, 2021 by the City of Richmond.

TransMontaigne, which is an oil terminal and loading rack, is believed to be the responsible party. The investigation and clean-up is continuing.

- Chevron Richmond Refinery Fire/Flaring Incident (May 14, 2021) - The County was notified through the Community Warning System (Level 1 Incident) of a flaring incident by the Chevron Richmond Refinery at 5:42 AM on the morning of May 14, 2021. Upon reaching out to the refinery and discussing the incident, it came to their attention that a fire occurred at a unit at approximately 4:40 AM. Richmond Fire Department was requested to respond as a potential resource to the incident at 4:50 AM. As a result of the fire, refinery staff diverted feed away from the impacted unit which resulted in flaring. A 72 Hour Report was requested and later submitted by Chevron Richmond. Their division is in the process of following up with the refinery on this incident – including an onsite inspection of the area involved in the fire.
- They are hiring one Accidental Release Prevention Engineer. The position will be open through July 2, 2021. Please feel free to spread the word regarding this recruitment near and far.
- They are hiring one Hazardous Materials Specialist I. They have requested freeze approval to fill this position. They anticipate opening this position in the next 1-3 weeks.
- As he reported to the commission at previous meetings, they were expecting their three (3) year CalEPA Evaluation to take place in May 2021. On May 18, 2021, they received notification that their evaluation will begin on July 26, 2021. The evaluation process will involve their agency submitting numerous documents – both division-wide policies, as well as site specific documents. The evaluation will take approximately 8 months – with a final exit interview schedule in February 2022. He will keep the commission updated on the status and findings from this evaluation.
- The Hazardous Materials Division leadership will be meeting in June to set strategic goals for our division – as well as the individual programs – for FY 21/22 (July 1, 2021 thru June 30, 2022).
- He will be presenting on the Notification Policy later in the agenda (Item 7B).

5. Operations Committee Report:

The Operations Committee met on May 14, 2021. Committee Chair Glueck reported that the committee worked on language for a survey to find out how the public and community-based organizations view the issue of Sea Level Rise, which will be addressed in item 7.a on the agenda.

6. Planning and Policy Development Committee Report:

The Planning and Policy committee met on May 19, 2021. They worked on language for a survey to find out what steps businesses, cities, and governmental entities have taken or plan to take in response to the potential impacts of sea level rise. This will also be addressed in item 7.a

on today's agenda. The committee also reviewed and commented on the proposed update to the County's Incident Notification policy, which will be discussed in item 7.b on today's agenda.

7. Old Business:

a) Discuss development of outreach efforts to stakeholders about Sea Level Rise

The Commissioners review the draft surveys that were developed by the Operations and Planning and Policy Development committee and made changes to the surveys and associated introduction. (attached). They decided to review both surveys in committee again before final approval at the next Commission meeting.

b) Provide input on updates to the County's Incident Notification Policy

Matt Kaufmann, Director of the Hazardous Materials Program, began by giving a presentation that included an overview of the purpose and history of the policy, the changes they were proposing to the policy, the impact of the changes and the outreach they had done to solicit input on the proposed changes (ppt attached).

Mr. Kaufman said that based on input they had received previously, they were also considering adding the additional criteria of weather for flaring conditions that should be considered when determining applicability for reporting. They were also considering moving the first criteria for flaring conditions that should be considered when determining applicability for reporting - which is that it involves the release, or threatened release, of a hazardous material - to the body of the text.

Mr. Kaufman said that they plan on taking the final revised policy, when it is finished, to the Board of Supervisors on the consent calendar, and give businesses 60 days to implement the policy before it goes into effect.

Commissioner Hughes indicated that there are still outstanding concerns by some of the facilities about the proposed changes and that he would like to set up a meeting with Mr. Kaufmann and the facilities to discuss this. Mr. Kaufman said he didn't want to take a proposal to the Board of Supervisors if there is going to be significant opposition, so if there are still concerns, he will take the time to discuss them.

Commissioner Hughes said he appreciated the desire to remove the ambiguity from the policy, but it seems to go too far in taking away flexibility. He said the number of notifications in the chart for 2020 that Mr. Kaufman used in his presentation showed the numbers of notifications going down if the new policy criteria would have been used, but he thinks the numbers will actually go up because more incidents will be reported. Mr. Kaufmann agreed that before they didn't know how many incidents happened that weren't reported. He did say they considered the guidelines closely but having lots of variability in the reporting makes it difficult to be consistent. He also said they don't want to issue a policy that is contrary to what state law requires - which is that all releases have to be reported.

Commissioner Hughes added that in Benicia, they had a different agreement with Valero, and used EPA and Bay Area Air Quality Management District criteria. He thought some flexibility, good judgement and common sense would be good.

Commissioner Youngs asked if there were any provisions to require notification for explosive risk from hydrogen flaring. Mr. Kaufmann said that typically, hydrogen flaring goes straight up and there is no explosive risk. He added that when it burns completely, there are no hazardous materials left, just water, so these types of flaring events do not have to be reported.

Commissioner Glueck said there will need to be education to the public and various organizations if the policy is changed and the number of notifications goes up only as a result of this. Mr. Kaufmann said they have already spoken to the State Office of Emergency Services about providing information explaining the new policy to people making Public Information Request to OES about the number of notifications being made.

Commissioner Hughes said he would like to see the Hazardous Materials Program take more time to see how to take the facilities concerns into account before taking this issue to the Board of Supervisors. Mr. Kaufmann said he agreed and that they have no specific timeline, and they have time to have additional meetings.

8. New Business:

a) Presentation by Commission Intern Erika Hernandez on Pipeline Safety in Schools

Erika gave her presentation about the risk to schools from pipelines (power point presentation attached). She began the presentation by telling the Commission a little about herself and what drew her to this concern, explained what she saw as the problem, gave some examples of pipelines and explosions impacting schools, and gave the Commission some recommendations as to what they could do to address the problems she described.

She recommended:

- A study be conducted about the relationship between pipelines and schools.
- The maps of pipeline locations be updated.
- Schools be educated about pipeline emergency planning.
- Emergency planning brochures be distributed to schools.
- The Commission write a follow-up letter to the Board of Supervisors about previous and current concerns related to pipeline safety.

b) Presentation by Commission Intern Kevin Hernandez on Lithium-ion Car Battery recycling

Kevin gave his presentation on lithium-ion car battery recycling (power point presentation attached). He began his presentation by telling the Commission a little about himself and why this issue was important to him. He then explained how lithium-ion batteries worked, why he

was concerned about the potential environmental impact of their use and disposal, how they were recycled, some of the outstanding problems with recycling them safely and why there should be a recycling facility in Contra Costa County. He concluded by giving the Commission some recommendations as to what they could do to address the problems he described.

He recommended:

- The Commission advocate for a lithium-ion recycling facility in Contra Costa County.
- The Commission should educate community groups on the dangers and potential hazardous of these types of batteries.

The Commission thanked the interns for their presentations and Chairperson Glueck asked the Operations committee to have a follow-up discussion about their recommendations.

9. Reports from Commissioners on Matters of Commission Interest:

None

10. Plan Next Agenda:

The Commission will hear presentations about the Nustar facility fire investigation and review their sea level rise survey.

11. Adjournment: The meeting adjourned at 6:00 pm.